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9 UNITED STATES DISTRICT COURT  
10 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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12 CECIL JEROME HATCHETT,

13 Petitioner,

14 v.

15 KEN CLARK,

16 Respondent.  
17

No. 2:20-cv-00892-KJM-JDP (HC)

ORDER

18 Petitioner, a state prisoner proceeding pro se, has filed this application for a writ of habeas  
19 corpus under 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge as  
20 provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

21 On April 7, 2021, the magistrate judge filed findings and recommendations, which were  
22 served on all parties and which contained notice to all parties that any objections to the findings  
23 and recommendations were to be filed within fourteen days. Petitioner has filed objections to the  
24 findings and recommendations, primarily noting his need at the time of filing for a copy of the  
25 court's form for filing of habeas petitions. ECF No. 30.

26 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this  
27 court has conducted a de novo review of this case. Having reviewed the file, the court finds the  
28 findings and recommendations to be supported by the record and by the proper analysis. The

1 court also notes that petitioner has now filed an amended petition on the form for such a filing,  
2 and thus it appears his objections are moot. *See* ECF No. 31.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. The findings and recommendations filed April 7, 2021, are adopted in full;
- 5 2. Respondent's motion to dismiss, ECF No. 22, is granted;
- 6 3. The amended petition, ECF No. 14, is dismissed with leave to amend; and
- 7 4. The matter is referred back to the assigned magistrate judge for further handling,  
8 including consideration of the amended petition now on file.

9 DATED: May 27, 2021.

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12 CHIEF UNITED STATES DISTRICT JUDGE  
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